

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

MARGARET HICKS,

Plaintiff,

v.

PLAINTIFF'S COMPLAINT

GC SERVICES, LP,

Defendant.

NOW COMES Plaintiff, MARGARET HICKS ("Plaintiff"), through her attorneys, KROHN & MOSS, LTD., alleging the following against Defendant, GC SERVICES, LP, ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the State of Tennessee and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Calhoun, McMinn County, Tennessee.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. § 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. § 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is business entity with an office located at 6330 Gulfton, Houston, Texas.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant places collection calls to Plaintiff in its attempts to collect an alleged debt.

12. Upon information and belief, the alleged debt arises from transactions for personal, family, and household purposes.

13. Defendant places telephone calls to Plaintiff in connection with its attempts to collect the alleged debt.

14. When Plaintiff is unable or does not answer the telephone, Defendant leaves messages for Plaintiff. *See* transcribed voicemail, attached hereto as Exhibit A.

15. Defendant's voicemail identified its collector and stated that it was "important" for Plaintiff to call when she received the message. *See* Exhibit A.

16. However, Defendant's message never identifies its company name nor does it inform Plaintiff that it is a debt collector. *See* Exhibit A.

17. Defendant's message does not provide Plaintiff with any indication as to the nature or purpose of its call. *See* Exhibit A.

18. Defendant's message is deceptive and misleading in connection with its collection attempt as it does not identify Defendant or disclose the purpose of its phone call, or that it is an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

19. Defendant violated the FDCPA based on the following:

- a) Defendant violated § 1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b) Defendant violated § 1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant did not provide the identity of the caller or the nature of the debt.
- c) Defendant violated § 1692e(10) of the FDCPA by using deceptive means to attempt to collect a debt.
- d) Defendant violated § 1692e(11) of the FDCPA by failing to disclose that the call was from a debt collector.

WHEREFORE, Plaintiff, MARGARET HICKS, respectfully requests judgment be entered against Defendant, GC SERVICES, LP, for the following:

20. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.

21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k

22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: January 15, 2013

By: /s/ Shireen Hormozdi
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